

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

ASTELLAS INSTITUTE FOR REGENERATIVE  
MEDICINE,

Plaintiff,

v.

IMSTEM BIOTECHNOLOGY, INC., XIAOFANG  
WANG, and REN-HE XU,

Defendants.

C.A. NO. 1:17-cv-12239-ADB

**DECLARATION OF REBECCA L. RABENSTEIN IN SUPPORT OF  
ASTELLAS' OPPOSITION TO DEFENDANTS' MOTION TO KEEP  
TRIAL OPEN TO FACILITATE WITNESS TESTIMONY**

I, Rebecca L. Rabenstein, under penalty of perjury, do hereby declare as follows:

I am an attorney at Latham & Watkins LLP ("Latham & Watkins"). I am counsel of record for Plaintiff Astellas Institute for Regenerative Medicine ("Astellas") in the above-captioned action. I submit this Declaration, based on my personal knowledge, in support of Astellas' opposition to Defendants' motion to keep trial open to facilitate witness testimony.

1. Attached hereto as Exhibit A is a true and correct copy of a September 5, 2019 email from T. Shannon to R. Rabenstein regarding the case schedule.
2. Attached hereto as Exhibit B is a true and correct copy of excerpts from the June 9, 2020 status conference.
3. Attached hereto as Exhibit C is a true and correct copy of a June 25, 2020 letter from R. Rabenstein to T. Shannon regarding trial logistics.
4. Attached hereto as Exhibit D is a true and correct copy of a March 24, 2020 email from T. Shannon to D. Frazier regarding follow-up from previous meet and confer.

5. Attached hereto as Exhibit E is a true and correct copy of the July 3, 2019 deposition of Ren-He Xu, filed under seal pursuant to the Court's Order on Astellas' Motion to Seal, Dkt. 215.

6. Attached hereto as Exhibit F is a true and correct copy of the October 1, 2019 deposition of Ren-He Xu, filed under seal pursuant to the Court's Order on Astellas' Motion to Seal, Dkt. 215.

7. Attached hereto as Exhibit G is a true and correct copy of the July 2, 2019 deposition of Michael Men, filed under seal pursuant to the Court's Order on Astellas' Motion to Seal, Dkt. 215.

8. Attached hereto as Exhibit H is a true and correct copy of a June 19, 2019 email chain between T. Shannon and L. Sharkey regarding deposition logistics.

9. Attached hereto as Exhibit I is a true and correct copy of a June 29, 2019 email from T. Shannon to D. Frazier regarding R. Xu and M. Men depositions.

10. Attached hereto as Exhibit J is a true and correct copy of a July 3, 2012 email from X. Wang to M. Men, R. Xu, and X. Pan regarding Patent#1, bearing the Bates number IMSTEM-0031515, filed under seal pursuant to the Court's Order on Astellas' Motion to Seal, Dkt. 215.

11. Attached hereto as Exhibit K is a true and correct copy of a July 9, 2012 email from X. Wang to R. Xu, copying M. Men regarding more claims added, bearing the Bates number IMSTEM-0027835, filed under seal pursuant to the Court's Order on Astellas' Motion to Seal, Dkt. 215.

12. Attached hereto as Exhibit L is a true and correct copy of a July 13, 2012 email from X. Wang to R. Xu regarding HB\_MSC\_Disclosure\_0712112, bearing the Bates number

IMSTEM-0009108, filed under seal pursuant to the Court's Order on Astellas' Motion to Seal, Dkt. 215.

13. Attached hereto as Exhibit M is a true and correct copy of an excerpt from the prosecution history of U.S. Patent Application 14/413,290 including declarations by X. Wang and R. Xu.

I declare under penalty of perjury under the laws of the United States that the foregoing statements are true and correct and that this declaration was executed by me this 28th day of July 2020, in Washington, D.C.

/s/ Rebecca L. Rabenstein  
Rebecca L. Rabenstein

**CERTIFICATE OF SERVICE**

I hereby certify that this document, which was filed with the Court through the CM/ECF system, will be sent electronically to all registered participants as identified on the Notice of Electronic Filing, and paper copies will be sent on July 28, 2020 to those identified as non-registered participants.

/s/ David P. Frazier  
David P. Frazier